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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/331.818	08/11/2001	Jiping Wang	6439	2119

27752 7590 05/20/2003

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL TECHNICAL CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

21

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CENTRAL DOCKETING	
Atty/GBU Contact: JAG/JS	
DATE REC'D	MAY 23 2003
<input type="checkbox"/> FAX	<input checked="" type="checkbox"/> MAIL

**Office Action Summary**Application No.  
**09/331,818**Applicant(s)  
**Wang et al**Examiner  
**Charles Boyer**Art Unit  
**1751**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 6, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) 4-8 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This action is responsive to applicants' request for continued examination received April 15, 2003. Claims 1-11 are currently pending, with claims 5-8 and 11 withdrawn from consideration.

#### ***Response to Amendment***

1. The amendment filed April 15, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claims 1 and 10 now cite "zeolite plus carbonate" and "zeolite plus silicate" as builders of the invention. Though the specification lists zeolites, silicates, and carbonates as suitable builders of the invention, there is no basis for the specific combination of builders now cited in the claims.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. The rejection of Claims 1-4, 9, and 10 under 35 U.S.C. 102(b) as being anticipated by Harmalker et al, US 5,308,513 is withdrawn for the present, however upon cancellation of the new matter in the claims, it may be reinstated.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Leitch et al, US 5,753,216.

Leitch et al teach hair styling compositions (see abstract). An example of such a composition comprises 1.2% hydrophobically modified hydroxyethyl cellulose, 0.175% sodium citrate, and 1.08% quaternary ammonium/betaine surfactant (col. 28, example III). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. The examiner notes that the hair styling composition taught by the reference is not a laundry detergent, however, as the composition is identical to that presently claimed, it is well established that the mere recital of a different intended use in a claim does not distinguish the claim over a composition containing the same ingredients in the same proportions for a different purpose in the prior art. See *In re Zierden*, 162 USPQ 102 (CCPA 1969). Accordingly, the examiner maintains the requirements for an anticipatory reference are satisfied.

5. Claims 1-3, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata et al, 5,837,666.

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Murata et al teach laundry detergents (see abstract). An example of such a composition comprises 38% anionic/nonionic/cationic surfactant, 31% zeolite/silicate/carbonate builder, and 1% methyl cellulose ether (col. 12, example 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Khalil et al, US 4,205,063.

Khalil et al teach conditioning shampoos (see abstract). An example of such a composition comprises 1.5% cationic cellulose ether derivative, 0.45% citric acid, and 35% amphoteric/nonionic surfactant (col. 6, example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. The examiner notes that the shampoo composition taught by the reference is not a laundry detergent, however, as the composition is identical to that presently claimed, it is well established that the mere recital of a different intended use in a claim does not distinguish the claim over a composition containing the same ingredients in the same proportions for a different purpose in the prior art. See *In re Zierden*, 162 USPQ 102 (CCPA 1969). Accordingly, the examiner maintains the requirements for an anticipatory reference are satisfied.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

A handwritten signature in cursive script that reads "Charles Boyer". The signature is written in dark ink and is positioned to the right of the printed name "Charles Boyer".

May 18, 2003